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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY: _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CITIBANK, N.A., AS TRUSTEE FOR)
THE HOLDERS OF BEAR STEARNS)
ALT-A TRUST 2006-5, MORTGAGE)
PASS-THROUGH CERTIFICATES,
SERIES 2006-5,

Plaintiff,

vs.

RAYMUNDO VAN HEMELRIJCK,
AND DOES I THROUGH X,
INCLUSIVE,

Defendants.

CASE NO. EDCV 12-0901-UA (DTB)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because defendant removed it improperly.

On June 5, 2012, defendant Raymundo Van Hemelrijck, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

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1 Simply stated, plaintiff could not have brought this action in federal court in the first
 2 place, in that defendant did not competently allege facts supplying either diversity or
 3 federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); see
 4 Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L.
 5 Ed. 2d 502 (2005). Even if complete diversity of citizenship exists, the amount in
 6 controversy does not exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
 7 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint recites that the
 8 amount in controversy does not exceed \$10,000.

9 Nor does plaintiff's unlawful detainer action raise any federal legal question. See
 10 28 U.S.C. §§ 1331, 1441(b).

11 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
 12 Court of California, Riverside County, 13800 Heacock Street, Building D #201, Moreno
 13 Valley, CA 92553, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c);
 14 (2) that the Clerk send a certified copy of this Order to the state court; and (3) that the
 15 Clerk serve copies of this Order on the parties.

16 IT IS SO ORDERED.

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 18 DATED: 6/18/2012

A. Collins
 AUDREY B. COLLINS
 UNITED STATES DISTRICT JUDGE

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 20 Presented by:

21 David T. Bristow
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23 David T. Bristow
 24 United States Magistrate Judge
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